

HOUSE BILL REPORT

SSB 6332

As Passed House - Amended:

February 28, 2010

Title: An act relating to human trafficking.

Brief Description: Concerning human trafficking.

Sponsors: Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Haugen, Delvin, Kline, Fraser, Stevens, Shin, Fairley and Roach).

Brief History:

Committee Activity:

Commerce & Labor: 2/19/10, 2/23/10 [DPA].

Floor Activity:

Passed House: 2/28/10, 96-0.

Brief Summary of Substitute Bill (As Amended by House)

- Establishes civil penalties for a violation of Washington's human trafficking law.
- Exempts the recruitment agency and employer of foreign workers who have been provided with an information pamphlet under federal law, or who hold certain visas, from the disclosure requirement of Washington's human trafficking law.
- Limits the definition of "foreign worker" to those who hold a nonimmigrant visa for temporary visitors.
- Instructs the Department of Labor and Industries to integrate information on assisting victims of human trafficking into posters and brochures as it deems appropriate.

HOUSE COMMITTEE ON COMMERCE & LABOR

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass as amended. Signed by 8 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Crouse, Green, Moeller and Williams.

Staff: Brian Kilgore (786-7119) and Jill Reinmuth (786-7134).

Background:

International labor recruitment agencies and domestic employers of foreign workers must provide a disclosure statement to foreign workers, except for those holding an H-1B visa, who have been referred to or hired by a Washington employer.

The disclosure statement must state that the worker:

- may be considered an employee under state law;
- may be subject to both state and federal laws governing overtime and work hours; and
- has the right to control his or her travel and labor documents, subject to federal law.

The disclosure must also include:

- a list of services or a hotline the worker may contact if he or she thinks he or she may be a victim of trafficking;
- an itemized listing of any deductions the employer intends to make from the worker's pay for food and housing; and
- an itemized listing of the international labor recruitment agency's fees.

Federal law requires the United States Secretary of State to develop an informational pamphlet on the legal rights and resources available to nonimmigrant visa holders in certain employment and education-based visa categories. The pamphlet must include information on: the legal rights of nonimmigrant visa holders, including labor and employment law; the illegality of slavery and trafficking in persons; the right to report abuse without retaliation; and the right of the nonimmigrant visa holder not to relinquish possession of his or her passport. Visa applicants must confirm that they have read and understood the pamphlet before they are issued a visa.

Summary of Amended Bill:

The international recruiting agency or domestic employer of a foreign worker who has been provided an informational pamphlet developed under federal law is not required to provide the disclosure statement required by Washington's human trafficking law. A worker is presumed to have been provided the pamphlet if the federal law requiring the pamphlet is in effect and the worker holds an A-3, G-5, NATO-7, H, J, or B-1 personal or domestic servant visa.

The definition of foreign worker is limited to certain persons who hold a nonimmigrant visa for temporary visitors. The exemption for persons who hold H-1B visas is deleted.

A foreign worker may bring an action against any domestic employer or international labor recruiting agency which fails to comply with the disclosure requirements of Washington's human trafficking law. A foreign worker who prevails in his or her action must be awarded court costs and attorneys' fees, and an amount between \$200 and \$500, or actual damages, whichever is greater. The court may also award equitable relief.

The Department of Labor and Industries (Department) must integrate information on assisting victims of human trafficking in posters and brochures as deemed appropriate by the Department. The information must include the toll-free telephone number of the National Human Trafficking Resource Center and the Washington State Office of Crime Victims Advocacy.

Appropriation: None.

Fiscal Note: Available on original bill. New fiscal note requested on February 23, 2010.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is the result of a lot of work among stakeholder groups and moves us forward on the important issue of human trafficking. There is a wide base of support for this bill.

(Neutral) A different civil penalties section would have been preferable. There is both good and bad in this bill.

(Opposed) None.

Persons Testifying: (In support) Senator Kohl-Welles, prime sponsor; Senator Honeyford; and Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs and National Organization for Women.

(Neutral) Scott Dilley, Washington Farm Bureau.

Persons Signed In To Testify But Not Testifying: None.